IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WA.No. 2054 of 2007

AGAINST THE JUDGEMENT IN WPC.18879/2007 Dated 20/06/2007

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APPELLANT: PETITIONER

K.A.ABDUL RAZAK, S/O ABDUL RAHIMAN,
KUNNAPPILLY HOUSE, THOTTUMUGHAM P.O.

BY ADV. SRI.N.K.MOHANLAL

RESPONDENTS: RESPONDENTS

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1. SECRETARY, REGIONAL TRANSPORT AUTHORITY,
   ERNAKULAM AT KAKKANAD.

2. SUB REGIONAL TRANSPORT OFFICER,
   ALUVA.

3. STATE OF KERALA, REPRESENTED BY
   SECRETARY TO GOVERNMENT, DEPARTMENT OF
   TRANSPORT, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.C.T.RAVIKUMAR.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A. No. 2054 of 2007

Dated this the 6th day of September, 2007.

J U D G M E N T

H.L.Dattu, C.J.

This appeal arises out of the order passed by the learned Single Judge in W.P.(C). No.18879 of 2007 dated 20th June, 2007. By the impugned order the learned Single Judge has granted more relief than what the petitioner was really entitled to.

(2). The petitioner is the owner of a goods carriage vehicle bearing registration No.KRO 5148. Even according to the petitioner he is in arrears of tax under the provisions of the Motor Vehicle Taxation Act.

(3). In the writ petition filed, the petitioner sought the following reliefs:

> "(i). to issue a writ of Mandamus or any other appropriate writ or order directing the respondents to allow the petitioner to remit 40% of the tax arrears with additional tax within one month of the order and the balance in 5 equal monthly instalments in respect of goods carriage No.KRO 5148.
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> (ii) to issue a writ of Mandamus or any other writ or order directing the Ist and 3rd respondent to dispose of Exhibit P3 representation in accordance with law."

(4). The first prayer, to us it appears that, the petitioner intends to convert the writ court into an instalment court. In our opinion, that is impermissible. Therefore, the first prayer could not have been granted by the learned Single Judge. But, taking a sympathetic view of the matter, the learned

Single Judge has directed the State Government before whom the representation was filed by the petitioner for grant of instalment facility, to consider the same in accordance with law, within a particular time frame.

(5). In our view, the order so passed by the learned Single Judge, by no stretch of imagination can be said to be either erroneous or illegal. Therefore, the impugned order does not call for interference by this court. Accordingly, the writ appeal requires to be rejected and it is rejected.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

MS